

**A RESOLUTION
BY COUNCILMEMBER FELICIA A. MOORE**

03-R-0769

Felicia A. Moore
Charles Young Jr.
Nathan Archibut

A RESOLUTION OFFICIALLY REQUESTING THE U.S. ENVIRONMENTAL PROTECTION AGENCY AND THE GEORGIA DEPARTMENT OF NATURAL RESOURCES, ENVIRONMENTAL PROTECTION DIVISION TO GRANT A TIME EXTENSION TO ADDRESS THE CITY'S CSO COMPLIANCE WITH THE CLEAN WATER ACT; AUTHORIZING THE DEPARTMENT OF WATERSHED MANAGEMENT TO DEVELOP A REPORT WITHIN 60 DAYS DOCUMENTING THE CITY'S POSITION AND COMPLIANCE MEASURES; REQUESTING DISCUSSION WITH THE APPROPRIATE REPRESENTATIVES TO DISCUSS THE TIME EXTENSION; AND FOR OTHER PURPOSES.

- Whereas,** the Citizens Plaintiffs, the Upper Chattahoochee Riverkeeper Fund, Inc. the Chattahoochee River Keeper, Inc., W. Robert Hancock, Jr. and others filed a complaint in U.S. District Court on October 10, 1995, against the City of Atlanta alleging violations of the Clean Water Act; and
- Whereas,** the U.S. Environmental Protection Agency and the Georgia Department of Natural Resources, Environmental Protection Division became involved in the litigation; and
- Whereas,** after the court ruled on summary judgment, the City elected to negotiate a settlement that would improve the urban streams and Atlanta's environment rather than engage in protracted and costly litigation; and
- Whereas,** pursuant to the terms to the Consent Decree the City made certain commitments relative to the CSO's including a System Evaluation Study, Remedial Measures, Sewer Separation Projects, Greenway Acquisition Program, and a Stream Cleanup Program; and
- Whereas,** the Consent Decree had among other provisions a 2007 deadline for compliance; and
- Whereas,** the City of Atlanta has adopted and is moving forward with Mayor Franklin's Clean Water Atlanta program which is a revised version of the previously submitted plan designed to meet the 2007 compliance deadline; and
- Whereas,** the 2007 deadline has caused the City of Atlanta to design solutions that can be accomplished within a short time frame; and
- Whereas,** the execution of the current plan will result in ratepayers of the City's sewer system to see their sewer bills triple in the next four to six years; and
- Whereas,** this will constitute a "heavy burden" on the ratepayers of the City of Atlanta; and
- Whereas,** the Mayor, members of the Atlanta City Council and citizens of the City of Atlanta have been lobbying the Federal government and the State of Georgia for assistance to undertake the \$3+ billion dollars needed to fund the capital improvements needed to meet the 2007 compliance deadline; and

- Whereas,** federal dollars are being diverted to the war effort and the State of Georgia is grappling with its own fiscal shortfall; and
- Whereas,** the City of Atlanta has also attempted to generate revenue to fund the Clean Water Atlanta Program through a 1% sales tax to be levied within the corporate limits of the city; and
- Whereas,** the Fulton County Commission is in opposition to the proposed sales tax and has blocked many efforts by the city to get the question of the sales tax placed on a ballot in the form of a referendum to voters; and
- Whereas,** despite the City's on-going efforts, to date, there are no prospects for funding assistance; and
- Whereas,** it has become evident that funding for the CSO program and other system improvements will be borne solely by revenues generated by City of Atlanta ratepayers; and
- Whereas,** sixty (60%) of City of Atlanta residents have an annual household income of under \$29,999, with 34% of that total with an income of less than \$14,999; and
- Whereas,** these increased costs will become an "extremely high burden" on senior citizens on fixed income and those in the low income brackets; and
- Whereas,** the increased costs will become a "high to medium burden" on other ratepayers; and
- Whereas,** the short and long-term impact of triple sewer rates will not only have a negative impact on residential customers, but will cause the loss of business, new housing development and negatively effect the future growth of the City of Atlanta; and
- Whereas,** the 2007 deadline is a contributing factor to the immediate fiscal impact on the city; and
- Whereas,** the City needs relief and requests a time extension to amortize the costs over a longer period of time with the effect of spreading out the burden to ratepayers; and
- Whereas,** an extension of time will also allow the city to explore options that will be more cost effective and can achieve immediate and long-term compliance; and
- Whereas,** the City of Atlanta will have to adopt an increased rate schedule to generate the revenue to float bonds to fund the Clean Water Atlanta Program; and
- Whereas,** the ratepayers will most certainly be in opposition to the increased costs; and
- Whereas,** the Atlanta City Council will hear comments from ratepayers regarding said rate increases; and
- Whereas,** the same ratepayers have already received an over 50% increase in their property taxes and are also facing by year's end a significant increases in Solid Waste service fees, Water rates and the implementation of a new Storm Water Utility fee; and
- Whereas,** the public outcry may cause delays in establishing the increased sewer rate needed to fund the Clean Water Atlanta program; and

- Whereas,** the City of Atlanta is committed to achieving compliance with the Clean Water Act in the shortest and most cost effective manner possible; and
- Whereas,** the city is currently operating in good faith to meet the 2007 deadline and is aggressively moving forward to execute the Clean Water Atlanta program; and
- Whereas,** it is imperative that to keep on track, the City must be proactive and consider the impact on ratepayers and its potential delay in establishing the rate increase needed to fund the Clean Water Atlanta program.

THEREFORE, BE IT HEREBY RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

- Section 1:** the City of Atlanta hereby officially requests that the U.S. Environmental Protection Agency and the Georgia Department of Natural Resources, Environmental Protection Division grant a time extension to address the city's CSO compliance with the Clean Water Act.
- Section 2:** the Department of Watershed Management is hereby authorized to submit to the aforementioned agencies, within 60 days, documentation outlining the affordability difficulties the 2007 deadline presents, a report outlining the timeline with alternatives and options for compliance that city can implement to reduce the burden on its ratepayers, along with immediate compliance measures that the can executed to increase water quality and compliance with clean water standards.
- Section 3:** the Atlanta City Council, which is the governing body of the City of Atlanta, respectfully requests that the appropriate representatives from the U.S. Environmental Protection Agency and the Georgia Department of Natural Resources, Environmental Protection Division meet, along with the Mayor and/or her designees, to discuss the time extension request.
- Section 4:** That the Municipal Clerk of the City of Atlanta is hereby directed to transmit a true copy of this adopted resolution to the U.S. Environmental Protection Agency, the Georgia Department of Natural Resources, Environmental Protection Division, the Upper Chattahoochee Riverkeeper.